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Agreement between Great Britain and China  
signed at Chefoo. 1876

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AGREEMENT

MINISTERS PLENIPOTENTIARY

GOVERNMENTS

GREAT BRITAIN

CHINA

SIGNED AT CHEFOO

14th SEPTEMBER 1876

DEPOSITED AT THE "NORTH CHINA HERALD" OFFICE  
1876



*A. B. M. V. Consulate  
Pagoda Anchorage  
Towchou.*

# AGREEMENT

BETWEEN THE

MINISTERS PLENIPOTENTIARY

OF THE

GOVERNMENTS

OF

GREAT BRITAIN

AND

CHINA

SIGNED AT CHEFOO

ON THE

13TH SEPTEMBER, 1876

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SHANGHAI

PRINTED AT THE "NORTH-CHINA HERALD" OFFICE

1876

Ch 120.8.10

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*December 31, 1937*

AGREEMENT  
BETWEEN THE  
MINISTERS . PLENIPOTENTIARY  
OF THE  
GOVERNMENTS  
OF  
GREAT BRITAIN AND CHINA.

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AGREEMENT negotiated between Sir Thomas Wade, K.C.B., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of China, and Li, Minister Plenipotentiary of His Majesty the Emperor of China, Senior Grand Secretary, Governor-General of the Province of Chih Li, of the First-Class of the Third Order of Nobility.

The negotiation between the Ministers above-named has its origin in a despatch received by Sir Thomas Wade, in the spring of the present year, from the Earl of Derby, Principal Secretary of State for Foreign Affairs, dated 1st January, 1876. This contained instructions regarding the disposal of three questions; first, a satisfactory settlement of the Yün Nan affair; secondly, a faithful fulfilment of engagements of last year respecting intercourse between the high officers of the two Governments; thirdly, the adoption of a uniform system in satisfaction of the understanding arrived at in the month of September, 1875 (8th moon of the 1st year of the reign Kwang Sü), on the subject of rectification of conditions of trade. It is to this despatch that Sir Thomas Wade has referred himself in discussions on these questions with the Tsung-li Yamên, farther reference to which is here omitted as superfluous. The conditions now agreed to between Sir Thomas Wade and the Grand Secretary are as follows:—

SECTION I.—*Settlement of the Yün Nan Case.*

(i) A Memorial is to be presented to the Throne, whether by the Tsung-li Yamên or by the Grand Secretary Li, is immaterial, in the sense of the memorandum prepared by Sir Thomas Wade. Before presentation, the Chinese text of the Memorial is to be shewn to Sir Thomas Wade.



(ii) The Memorial having been presented to the Throne, and the Imperial Decree in reply received, the Tsung-li Yamên will communicate copies of the Memorial and Imperial Decree to Sir Thomas Wade, together with copy of a letter from the Tsung-li Yamên to the Provincial Governments, instructing them to issue a proclamation that shall embody at length the above Memorial and Decree. Sir Thomas Wade will thereon reply to the effect that for two years to come officers will be sent, by the British Minister, to different places in the provinces, to see that the proclamation is posted. On application from the British Minister, or the Consul of any port instructed by him to make application, the high officers of the provinces will depute competent officers to accompany those so sent to the places which they go to observe.

(iii) In order to the framing of such regulations as will be needed for the conduct of the frontier trade between Burma and Yün Nan, the Memorial, submitting the proposed settlement of the Yün Nan affair, will contain a request that an Imperial Decree be issued, directing the Governor-General and Governor, whenever the British Government shall send officers to Yün Nan, to select a competent officer of rank to confer with them and to conclude a satisfactory arrangement.

(iv) The British Government will be free for five years, from the 1st of January next, being the 17th day of the 11th moon of the 2nd year of the reign Kwang Sü, to station officers at Ta-li Fu, or at some other suitable place in Yün Nan, to observe the conditions of trade; to the end that they may have information upon which to base the regulations of trade when these have to be discussed. For the consideration and adjustment of any matter affecting British officers or subjects, these officers will be free to address themselves to the authorities of the province. The opening of the trade may be proposed by the British Government, as it may find best, at any time within the term of five years, or upon expiry of the term of five years.

Passports having been obtained last year for a Mission from India into Yün Nan, it is open to the Viceroy of India to send such Mission at any time he may see fit.

(v) The amount of indemnity to be paid on account of the families of the officers and others killed in Yün Nan; on account of the expenses which the Yün Nan case has occasioned; and on

account of claims of British merchants arising out of the action of officers of the Chinese Government up to the commencement of the present year, Sir Thomas Wade takes upon himself to fix at Two Hundred Thousand Taels, payable on demand.

(vi) When the case is closed, an Imperial Letter will be written, expressing regret for what has occurred in Yün Nan. The Mission bearing the Imperial Letter will proceed to England immediately. Sir Thomas Wade is to be informed of the constitution of this Mission, for the information of his Government. The text of the Imperial Letter is also to be communicated to Sir Thomas Wade by the Tsung-li Yamén.

## SECTION II.—*Official Intercourse.*

Under this heading are included the conditions of intercourse between high officers in the capital and the provinces, and between Consular officers and Chinese officials at the ports; also the conduct of judicial proceedings in mixed cases.

(i) In the Tsung-li Yamén's Memorial, of the 28th September, 1875, the Prince of Kung and the Ministers stated that their object in presenting it had not been simply the transaction of business in which Chinese and Foreigners might be concerned; missions abroad and the question of diplomatic intercourse lay equally within their prayer.

To the prevention of farther misunderstanding upon the subject of intercourse and correspondence, the present conditions of both having caused complaint in the capital and in the provinces, it is agreed that the Tsung-li Yamén shall address a circular to the Legations, inviting Foreign Representatives to consider with them a code of etiquette, to the end that foreign officials in China, whether at the ports or elsewhere, may be treated with the same regard as is shown them when serving abroad in other countries, and as would be shown to Chinese agents so serving abroad.

The fact that China is about to establish Missions and Consulates abroad renders an understanding on these points essential.

(ii) The British Treaty of 1858, Article XVI, lays down that "Chinese subjects who may be guilty of any criminal act towards British subjects shall be arrested and punished by Chinese authorities according to the laws of China."

"British subjects who may commit any crime in China shall  
"be tried and punished by the Consul, or any other public  
"functionary authorised thereto, according to the laws of Great  
"Britain."

"Justice shall be equitably and impartially administered on  
"both sides."

The words "functionary authorised thereto" are translated in  
the Chinese text "British Government."

In order to the fulfilment of its Treaty obligations, the British  
Government has established a Supreme Court at Shanghai, with a  
special code of rules, which it is now about to revise. The Chinese  
Government has established at Shanghai a Mixed Court; but the  
officer presiding over it, either from lack of power, or dread of  
unpopularity, constantly fails to enforce his judgments.

It is now understood that the Tsung-li Yamèn will write a  
circular to the Legations, inviting Foreign Representatives at once  
to consider with the Tsung-li Yamèn the measures needed for the  
more effective administration of justice at the Ports open to Trade.

(iii) It is agreed that, whenever a crime is committed affecting  
the person or property of a British subject, whether in the interior  
or at the open ports, the British Minister shall be free to send  
officers to the spot to be present at the investigation.

To the prevention of misunderstanding on this point, Sir  
Thomas Wade will write a Note to the above effect, to which the  
Tsung-li Yamèn will reply, affirming that this is the course of  
proceeding to be adhered to for the time to come.

It is farther understood that so long as the laws of the two  
countries differ from each other, there can be but one principle to  
guide judicial proceedings in mixed cases in China, namely, that  
the case is tried by the official of the defendant's nationality; the  
official of the plaintiff's nationality merely attending to watch the  
proceedings in the interests of justice. If the officer so attending be  
dissatisfied with the proceedings, it will be in his power to protest  
against them in detail. The law administered will be the law of  
the nationality of the officer trying the case. This is the meaning  
of the words *hui tung*, indicating combined action in judicial  
proceedings in Article XVI of the Treaty of Tientsin; and  
this is the course to be respectively followed by the officers of  
either nationality.

SECTION III.—*Trade.*

(i) With reference to the area within which, according to the treaties in force, *likin* ought not to be collected on foreign goods at the open ports, Sir Thomas Wade agrees to move his Government to allow the ground rented by foreigners (the so-called Concessions) at the different ports, to be regarded as the area of exemption from *likin*; and the Government of China will thereupon allow I-ch'ang in the province of Hu-Pei, Wu-hu in An-Hui, Wên-Chôw in Che-Kiang, and Pei-hai (Pak-hoi) in Kwang-Tung, to be added to the number of ports open to trade, and to become Consular stations. The British Government will farther be free to send officers to reside at Ch'ung K'ing, to watch the conditions of British trade in Ssu-Ch'uen. British merchants will not be allowed to reside at Ch'ung K'ing, or to open establishments or warehouses there, so long as no steamers have access to the port. When steamers have succeeded in ascending the river so far, further arrangements can be taken into consideration.

It is farther proposed as a measure of compromise that at certain points on the shore of the Great River, namely, Ta-t'ung, and Ngan-Ching, in the province of An-Hui; Hu-K'ou, in Kiang-Si; Wu-suëh, Lu-chi-k'ou, and Sha-shih, in Hu Kuang; these being all places of trade in the interior, at which, as they are not open ports, foreign merchants are not legally authorised to land or ship goods; steamers shall be allowed to touch for the purpose of landing or shipping passengers or goods; but in all instances by means of native boats only, and subject to the regulations in force affecting native trade.

Produce accompanied by a half-duty certificate may be shipped at such points by the steamers, but may not be landed by them for sale. And at all such points, except in the case of imports accompanied by a transit duty certificate, or exports similarly certificated, which will be severally passed free of *likin* on exhibition of such certificates, *likin* will be duly collected on all goods whatever by the native authorities. Foreign merchants will not be authorised to reside or open houses of business or warehouses at the places enumerated as ports of call.

(ii) At all ports opened to trade, whether by earlier or later agreement, at which no settlement area has been previously defined, it will be the duty of the British Consul, acting in concert with his colleagues, the Consuls of other Powers, to come to an understanding

with the local authorities regarding the definition of the foreign settlement area.

(iii) On opium, Sir Thomas Wade will move his Government to sanction an arrangement different from that affecting other imports. British merchants, when opium is brought into port, will be obliged to have it taken cognisance of by the Customs, and deposited in bond, either in a warehouse or a receiving hulk, until such time as there is a sale for it. The importer will then pay the tariff duty upon it, and the purchasers the *likin*; in order to the prevention of the evasion of the duty. The amount of *likin* to be collected will be decided by the different Provincial Governments, according to the circumstances of each.

(iv) The Chinese Government agrees that Transit Duty certificates shall be framed under one rule at all ports, no difference being made in the conditions set forth therein; and that so far as imports are concerned, the nationality of the person possessing and carrying these is immaterial. Native produce carried from an Inland Centre to a Port of Shipment, if *bonâ fide* intended for shipment to a foreign port, may be, by treaty, certificated by the British subject interested, and exempted by payment of the half-duty from all charges demanded upon it *en route*. If produce be not the property of a British subject, or is being carried to a port not for exportation, it is not entitled to the exemption that would be secured it by the exhibition of a Transit Duty Certificate. The British Minister is prepared to agree with the Tsung-li Yamén upon rules that will secure the Chinese Government against abuse of the privilege as affecting produce.

The words *nei ti*, inland, in the clause of Article VII of the Rules appended to the Tariff, regarding carriage of imports inland, and of native produce purchased inland, apply as much to places on the sea coasts and river shores, as to places in the interior not open to foreign trade; the Chinese Government having the right to make arrangements for the prevention of abuses thereat.

(v) Article XLV of the Treaty of 1858 prescribes no limit to the term within which a drawback may be claimed upon duty paid Imports. The British Minister agrees to a term of three years, after expiry of which no drawback shall be claimed.

(vi) The foregoing stipulation, that certain ports are to be opened to foreign trade, and that landing and shipping of goods at

six places on the Great River is to be sanctioned, shall be given effect to within six months after receipt of the Imperial Decree approving the Memorial of the Grand Secretary Li. The date for giving effect to the stipulations affecting exemption of imports from *likin* taxation within the foreign settlements, and the collection of *likin* upon opium by the Customs Inspectorate at the same time as the Tariff duty upon it, will be fixed as soon as the British Government has arrived at an understanding on the subject with other foreign Governments.

(vii) The Governor of Hongkong having long complained of the interference of the Canton Customs Revenue Cruisers with the junk trade of that Colony, the Chinese Government agrees to the appointment of a Commission, to consist of a British Consul, an officer of the Hongkong Government, and a Chinese official of equal rank, in order to the establishment of some system that shall enable the Chinese Government to protect its revenue, without prejudice to the interests of the Colony.

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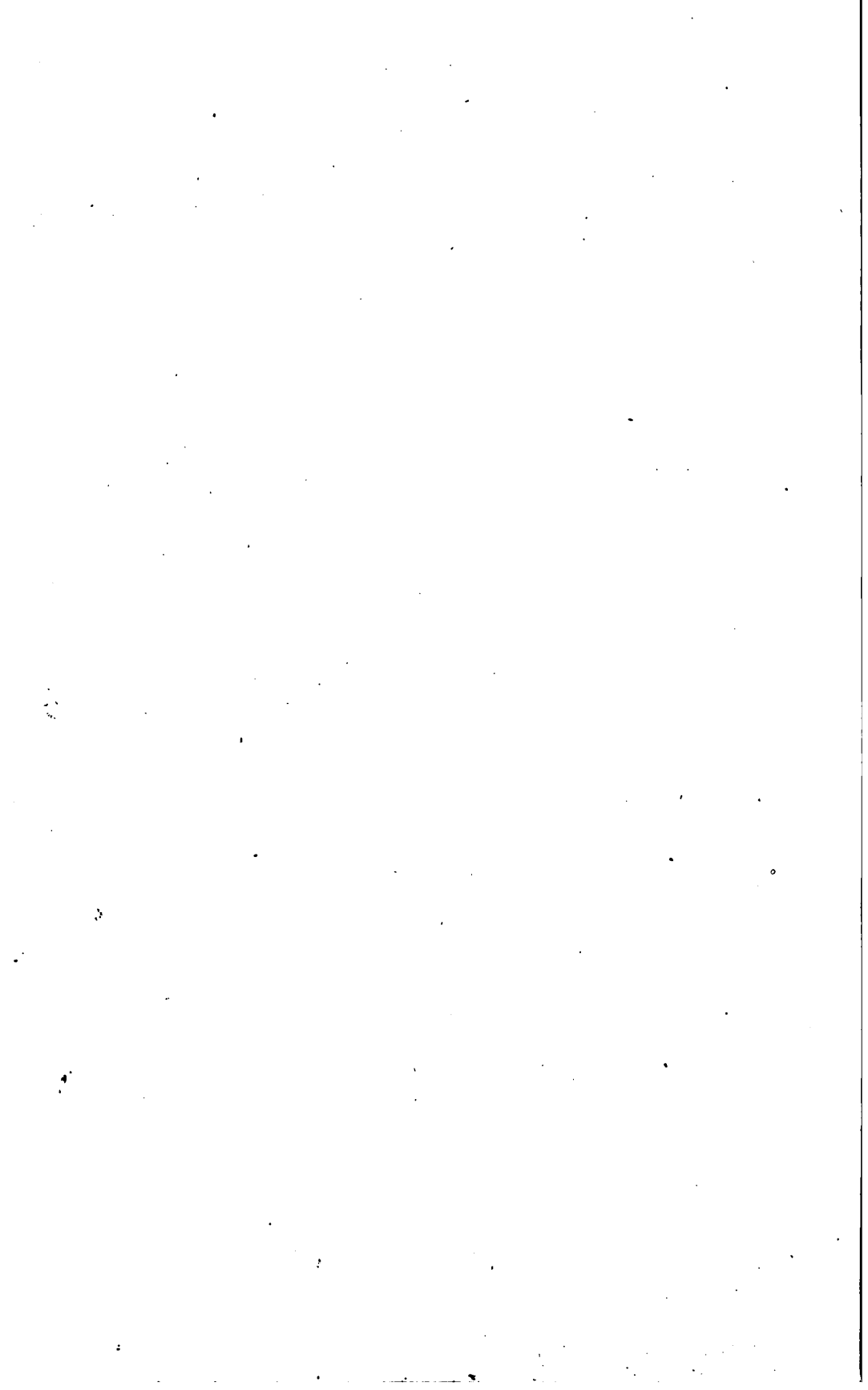
#### SEPARATE ARTICLE.

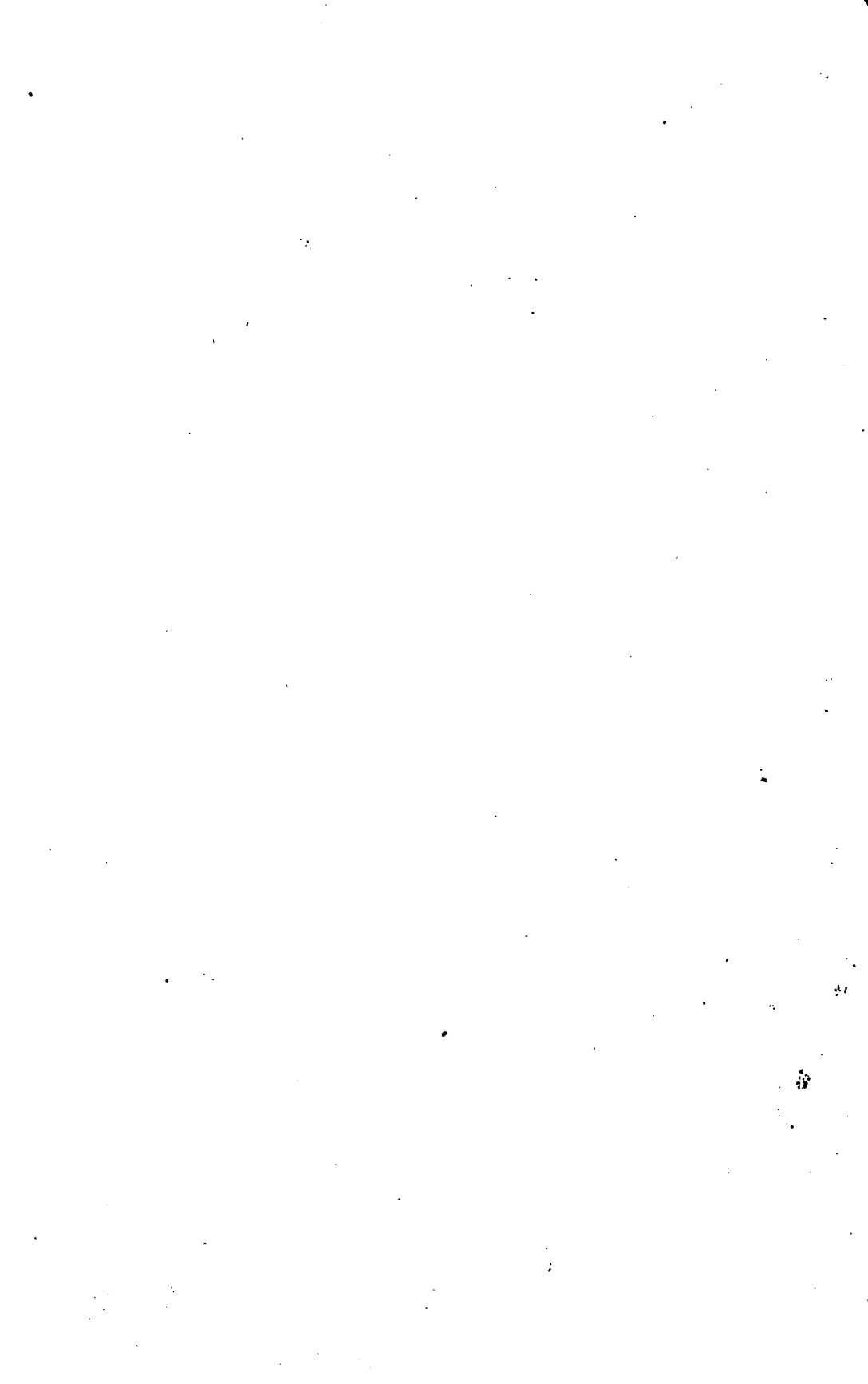
Her Majesty's Government having it in contemplation to send a Mission of Exploration next year by way of Peking through Kan-Su and Koko-Nor, or by way of Ssu-Ch'uen to Thibet, and thence to India, the Tsung-li Yamên, having due regard to the circumstances, will, when the time arrives, issue the necessary passports, and will address letters to the high provincial authorities, and to the Resident in Thibet. If the Mission should not be sent by these routes, but should be proceeding across the Indian frontier to Thibet, the Tsung-li Yamên, on receipt of a communication to the above effect from the British Minister, will write to the Chinese Resident in Thibet, and the Resident, with due regard to the circumstances, will send officers to take due care of the Mission; and passports for the Mission will be issued by the Tsung-li Yamên, that its passage be not obstructed.

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Done at Chefoo, in the Province of Shan Tung, this  
Thirteenth Day of September, in the year of Our  
Lord One Thousand Eight Hundred and Seventy-  
Six.

[L.S.] THOMAS FRANCIS WADE. [L.S.] CHINESE PLENIPOTENTIARY.







光緒二年七月二十五日

在山東烟台繕就

華文各四分蓋印畫押

降生一千八百七十六年九月十三日

大清欽差便宜行事大臣李 畫押

大英欽差駐華便宜行事大臣威 畫押

總理衙門察酌情形妥爲辦給倘若所派之員不由此  
路行走另由印度與西藏交界地方派員前往俟中國  
接准英國大臣知會後卽行文駐藏大臣查度情形派  
員妥爲照料並由

總理衙門發給護照以免阻礙

員由香港選派英官一員會同查明覈議定章遵辦總期於中國課餉有益於香港地方事宜無損

一以上議准添開通商各口岸及沿江六處准起卸貨物一節應由李大臣奏奉

旨准於半年期限開辦各口租界免洋貨釐金及洋藥在新關併納釐稅兩節俟英國會商各國再行定期開辦另議專條

現因英國酌議約在明年派員由中國京師啓行前往徧歷甘肅青海一帶地方或由內地四川等處入藏以抵印度爲探訪路程之意所有應發護照並知會各處地方大吏暨駐藏大臣公文屆時當由

貨運入內地及內地置買土貨等語係指沿海沿江沿河及陸路各處不通商口岸皆屬內地應由中國自行設法防弊

一咸豐八年所定條約第四十五款內載英商若將已經完納稅項洋貨復運外國稟明海關監督發給存票他日均可持作已納稅餉之據等語原約並未定有年限今訂明三年爲期限滿不得將此項存票持作完納稅項之據

一香港洋面粵海關向設巡船稽查收稅事宜屢由香港官憲聲稱此項巡船有擾累華民商船情事現在議定卽由英國選派領事官一員由中國選派平等官一

客一併在新關輸納厘稅以免偷漏其應抽收厘稅若干由各省察勘情形酌辦

一洋貨運入內地請領半稅單照各國條約內原已訂明自當遵辦嗣後各關發給單照應由

總理衙門核定畫一款式不分華洋商人均可請領並無參差洋商將土貨由內地運往口岸上船條約內亦有定章英商完納子口半稅請領單照即可運往海口若非英商自置土貨該貨若非實在運往海關出口不得援照辦理所有應定章程免致滋生弊端之處威大  
臣卽願會同

總理衙門設法商辦至通商善後章程第七款載明洋

物今議通融辦法輪船准暫停泊上下客商貨物皆用民船起卸仍照內地定章辦理除洋貨半稅單照章查驗免釐其有報單之土貨只准上船不准卸賣外其餘應完稅厘由地方官自行一律妥辦外國商民不准在該處居住開設行棧

一新舊各口岸除已定有各國租界應毋庸議其租界未定各處應由英國領事官會商各國領事官與地方官商議將洋人居住處所畫定界址

一洋藥一宗威大臣議請本國准爲另定辦法與他項洋貨有別令英商於販運洋藥入口時由新關派人稽查封存棧房或躉船俟售賣時洋商照則完稅並令買

### 第三端 通商事務

一所有現在通商各口岸按前定各條約有不應抽收洋貨厘金之界茲由威大臣議請本國准以各口租界作爲免收洋貨厘金之處俾免漫無限制隨由中國議准在於湖北宜昌安徽蕪湖浙江溫州廣東北海四處添開通商口岸作爲領事官駐紮處所又四川重慶府可由英國派員駐寓查看川省英商事宜輪船未抵重慶以前英國商民不得在彼居住開設行棧俟輪船能上駛後再行議辦至沿江安徽之大通安慶江西之湖口湖廣之武穴陸溪口沙市等處均係內地處所並非通商口岸按長江統共章程應不准洋商私自起下貨

一凡遇內地各省地方或通商口岸有關係英人命盜案件議由英國大臣派員前往該處觀審此事應先聲叙明白庶免日後彼此另有異辭威大臣卽將前情備文照會請由

總理衙門照覆以將來照辦緣由聲明備案至中國各口審斷交涉案件兩國法律既有不同只能視被告者爲何國之人卽赴何國官員處控告原告爲何國之人其本國官員只可赴承審官員處觀審倘觀審之員以爲辦理未妥可以逐細辨論庶保各無向隅各按本國法律審斷此卽條約第十六款所載會同兩字本意以上各情兩國官員均當遵守



公平審斷以昭允當等語查原約內英文所載係英國  
民人有犯事者由英國領事官或他項奉派幹員懲辦  
等字樣漢文以英國兩字包括前經英國議有詳細章  
程並添派按察司等員在上海設立承審公堂以便遵  
照和約條款辦理目下英國適將前定章程酌量脩正  
以歸盡善中國亦在上海設有會審衙門辦理中外交  
涉案件惟所派委員審斷案件或因事權不一或因怕  
招嫌怨往往未能認真審追茲議由

總理衙門照會各國駐京大臣請將通商口岸應如何  
會同

總署議定承審章程妥爲商辦以昭公允

因現因兩國官員往來會晤以及文移往返一切事例  
京外尚有未協之處自宜明定章程免啟爭端茲議應  
由

總理衙門照會各國駐京大臣請其會同商訂禮節條  
款總期中國官員看待駐居中國各口等處外國官員  
之意與泰西各與國交際情形無異且與各國看待在  
外之中國官員相同緣中國現有派員出使之舉此項  
章程亟應定明方昭妥協

一咸豐八年所定英國條約第十六款所載英國民人  
有犯事者皆由英國懲辦中國人欺凌擾害英民皆由  
中國地方官自行懲辦兩國交涉事件彼此均須會同

朝廷惋惜滇案

璽書應卽由

欽派出使大臣剋期起程前往英國所有

欽派大臣銜名及隨帶人員均應先行知照威大臣以便咨  
報本國其所賁

國書底稿亦應由

總理衙門先送威大臣閱看

第二端

優待往來各節此端卽指駐京大臣等及各口領事官等與中國官員彼此往來之禮以及兩國審辦案件各官交涉事宜

一案查光緒元年九月十一日

總理衙門奏摺有云預儲熟悉洋務人才原不僅爲辦理  
理中外交涉事務起見而出使往來各節均寓其中等

府或他處相宜地方一區駐寓察看通商情形俾商定章程得有把握並於關係英國官民一切事宜由此項官員與該省官員隨時商辦或五年之內或俟期滿之時由英國斟酌訂期開辦通商至去年所議由印度派員赴滇曾經發給護照應仍由

印度節度大臣隨時定奪派員妥辦

一所有在滇被害人員家屬應給卹款以及緣滇案用過經費並因各處官員於光緒二年以前辦理未協有應償還英商之欸威大臣現定爲擔代共關平銀貳拾萬兩由威大臣隨時兌取  
一俟此案議結時奉有中國

諭旨詳細列入告示一併照會威大臣查照威大臣卽照復聲明限兩年爲期由英國駐京大臣隨時派員分往各省查看張貼告示情形將來或由英國駐京大臣行文或札行各口領事官轉爲照會卽由地方大吏派委委員會同前往各處查看

一所有滇省邊界與緬甸地方來往通商一節應如何明定章程於滇案議結摺內一併請

旨飭下雲南督撫俟英國所派官員赴滇後卽選派妥幹大員會同妥爲商訂

一自英歷來年正月初一日卽光緒二年十一月十七日起定以五年爲限由英國選派官員在於滇省大理

辦法分條開列於後

第一端 昭雪滇案

一 威大臣另有擬作爲滇案奏稿大概底本先與李大臣商定或由

總理衙門或由李大臣具奏均可惟於出奏之前須將摺稿交威大臣閱看會商妥當

一 奏明奉

旨發抄後由

總理衙門將摺稿

諭旨恭錄知照並由

總理衙門通行各省將此次摺件

大清欽差便宜行事大臣

文華殿大學士直隸總督

一等肅毅伯李

大英欽差駐華便宜行事大臣勳賜二等寶星威

爲

會議條款事現在本大臣等會商一切因本年春間威  
大臣接准

總理各國事務丞相伯爵德上年十二月初五日來咨  
囑將各節若何辦理共有三端一則以滇案妥爲昭雪  
二則上年所定中外大臣往來相待一節妥爲辦理以  
昭信守三則上年八月議定整頓通商事務一律照辦  
各等因現威大臣會同商辦總以力守此件咨文爲主  
所有以上三節威大臣前與  
總理衙門往返商議各件無須贅述今與李大臣議定











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